

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- : 13 Cr. 268 (JMF)

EDWIN TING, :

Defendant. :

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**THE GOVERNMENT’S SENTENCING MEMORANDUM**

PREET BHARARA  
United States Attorney  
Southern District of New York  
Attorney for the United States of America

Joshua A. Naftalis  
Harris M. Fischman  
Kristy J. Greenberg  
Assistant United States Attorneys  
- Of Counsel -



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

December 26, 2013

BY ECF

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2202  
New York, New York 10007

Re: United States v. Edwin Ting,  
13 Cr. 268 (JMF)

Dear Judge Furman:

The Government respectfully writes in advance of the defendant's sentencing, currently scheduled for January 7, 2013 at 2:30 p.m.

The Offense Conduct

From at least 2010 through 2013, Ting operated what was likely the largest and highest-stakes illegal poker game in New York City. During most of these games, Ting took a "rake" or percentage of the pot as profit, and in so doing made millions of dollars in profits. The pots at these games could reach into the tens, and even hundreds, of thousands of dollars. Ting's clients included celebrities, hedge fund and private equity managers and Wall Street executives, and other wealthy individuals. (PSR ¶ 86; Def. Mem 9).

During the Government's investigation, various conversations relating to Ting's illegal poker games were intercepted on wire taps. For example, on January 18, 2013, Ting texted co-defendant Eugene Trinchler about an illegal poker game that he was hosting at the Plaza Hotel in New York City: "Doin game at plaza. Joe doin game there too. Brutal." Ting sent another text the next day too: "game 8pm at plaza." Eugene Trinchler texted back that his father, co-defendant Vadim Trinchler, was interested in playing in the game and wanted to know whether Ting was taking a rake: "K dad wanted to know if there's rake or what's the deal."

On a February 21, 2012 call, Ting talked with co-defendants Illya Trinchler and Vadim Trinchler about his illegal games and money that was won, lost, and owed by various players:

IT: Hey, the checks you wrote to [REDACTED], they have to be in my name though.

ET: Ok, he didn't tell me that, I mean...

IT: Let me ask you a question. Is there...um...is there, is there like a way where I can go to the bank, like write my, you know what I am talking about....what's that....endorse or something like that? Do they do that, or no?

ET: No they, they don't, rarely any banks do that anymore.

IT: Ok, you just have to get rewritten...

ET: I can try to do that, man, but it's going to be a....[UI]

IT: Let me talk to [REDACTED]. Let me call him up and just say, listen, ah ah, um.

ET: But, but, they are through. You can tell they are from...Joe trusts, buddy, buddy, you know what I mean, so it's like...

IT: Yeah, yeah. I am gonna ask him. Hang on one sec; my Dad [Vadim Trinchler] wants to say something.

VT: Hey Eddie.

ET: Hey Vadim, how are you?

VT: Good. Listen, first of all my, my figure is 150, because last time I got 146, and first time I won 99 hundred, I believe.

ET: 99 hundred?

VT: Yeah.

ET: Oh, I think you, you'd...the first time. Ok. Eugene said that he was going to pay you.

VT: I ask Eugene, ah, if he collected and he said, no.

ET: Ok. You know what...I wanna...I am seeing Eugene in about 20 minutes, so I will talk to Eugene. I told him, I said I said, ahh, are you going to pay your dad for me. And he said, yeah. Then I just, maybe, he didn't tell you about it. But I'm going to see him in 20 minutes.

VT: Ok, Ok. Call...talk to him because I ask him for a couple days ago if he already gives you 99 hundred and he says no.

ET: Ok, I'll talk to him and umm.... Illya said that you gave me 6,000. Thank you very much.

VT: Ok, yeah, ok. And one more one more question...ahh...listen. If you...[REDACTED], he play in your game?

ET: Who?

VT: Ahh, you, the [REDACTED], the [REDACTED] guy, [REDACTED]?

ET: Ohh, yeah, yeah, yeah, he plays he plays once in a while but, ahhh, now he's in training but yeah he plays once in a while but he doesn't play he doesn't play big...

VT: Ok, then no, can you call me when he's in New York? I want to introduce him to my, my younger son.

ET: Ok, yeah, definitely, definitely.

VT: Because he's a [REDACTED] and he asked me if he was going to be here...because he, he maybe can get picture with him.

ET: Ok, I will, ummm, and you know.

VT: Call me, call me, call me when he's gonna be here, ok?

ET: Definitely, definitely, and I'm going to talk to Eugene. I see Eugene in about 20 minutes. So I, I...

VT: Ok, thank you, thank you, thank you.

ET: Thank you, Vadim.

IT: Eddie.

ET: Illya, sorry about that. (laughter) It's so funny I got numbers with your whole family (laughter).

IT: What do call it...so I...I'll talk to [REDACTED] hopefully. I can just send him the checks and won't give me a hard time.

ET: Just, just 'cause, you know, it's like just a pain in the ass I'm like...

IT: Yeah, I'll be, like, it's just too painful to fucking go back to them and get checks...[UI]

ET: Yeah. I, I'm getting like another 150 from that thing on Thursday the only problem is that...

IT: All good, all good whatever the rest of it.

ET: The only thing is, ummm.

IT: I just don't want to, ahhh, ahhh. I don't want to, ummm, ahhh, like keep numbers with them like with [REDACTED] and [REDACTED]. So basically I don't care about my shit, alright?

ET: Yup. Ok, fine, alright umm.

IT: [UI] Figure it out.

ET: Ok. [UI]

IT: That's fine, that's fine. Let me just make sure maybe [REDACTED] will be cool with it. Let me see what he says.

ET: Ok, alright. I mean I don't know why he wouldn't be. I heard...ummm...[UI] [REDACTED] [?] killed a game yesterday.

IT: Yeah, he did well, he won like 1.8 million. How the fuck did that man get into that fucking game?

ET: [REDACTED]'s in the game?

IT: Yeah, what idiot invited him in the game?

ET: It must have been [REDACTED]... How much did he win?

IT: He lost, but I'm saying that's not the point. The point is how the fuck did he get into the game; that's crazy.

ET: Because [REDACTED] probably got a free roll.

IT: I'll fucking kill [REDACTED]. I'm gonna call him up.

ET: [UI] Who's the lineup, it was ahhh...

IT: [REDACTED], [REDACTED], [REDACTED], ahhh, ummm, ahhh. Who else was in there, there [UI], [REDACTED], ahhh...

ET: [REDACTED]

IT: [REDACTED], [REDACTED], and, ahhh, that like Indian kid from [REDACTED] or something like that.

ET: Oh, oh, [REDACTED], [REDACTED]. I mean no, it's a great lineup. [REDACTED]y, anytime you get [REDACTED], [REDACTED], and, ahhh and ahhh, [REDACTED] and [REDACTED].

IT: How did [UI] do?

ET: He lost 300 I heard, which is nothing in [UI], you know?

IT: Was he bummin'?

ET: I, I, I don't...I try not to talk to him too much, you know like, when he wants something he can call me up you know?

IT: Hmmm, I don't blame you.

ET: No, the thing is, you know, he wants me to set up a game that he wants. Oh, I don't want this guy, I don't want this guy. I [UI]... all of a sudden he doesn't want your dad in because your dad wins. But if your dad lost, he'd be his new bff you know?

IT: Hmmm.

ET: It's crazy, like you know... I'm like, look guy, who lose can actually pay in, you know. Why wouldn't you want him in the game, you know? I mean I know why, but, you know, I mean if you're a good poker player you [UI].

IT: Yeah, the problem is, you know, ummm, theoretically it works great. But the problem is you don't have to...there are no players...you can't get enough players, you know, there is no gap. You need decent players.

ET: Even in LA, even at LA you have your, your group of obviously [REDACTED] [UI]...the whole game.

IT: Yeah. 21.

ET: Yeah, you know [REDACTED] is a good player too. You know [REDACTED] is a really strong player.

IT: Yeah, yeah, he's a good player. Where he's definitely better than these fucking idiots. It's not even close, you know.

ET: So they got [REDACTED] in the game?

IT: Yeah.

ET: That's definitely [REDACTED] setting up peace and trying to, ahhh, you know. Oh so, [REDACTED] won and ahhh...

IT: I heard, I heard [REDACTED] won 200 and [REDACTED] won like 1.6.

ET: Everybody else loss, huh?

IT: [REDACTED] lost, ahhhh, yeah I think maybe, ahhh, oh [REDACTED] played, [REDACTED] won small.

ET: Who?

IT: [REDACTED]?

ET: The broker? I mean the, ahhh.

IT: The comedian...whatever the director or whatever the fuck he is.

ET: Oh, ok.

IT: So, alright. I'll talk to you later.

On February 25, 2012, Ting and Illya Trinchler had the following conversation about the high-stakes illegal poker games and collecting debts.

IT: What's up with your boy [REDACTED] Eddie?

ET: Not my concern. I didn't guarantee the game. All you guys can settle it yourselves bro.

IT: (laughs) Eddie, come on hold me. I wanted to pay the rake. So what should I do? I told him it's like a wire for Europe. He was like, why? I was like, I don't know it's something to do with [REDACTED]'s son in law. So I'm waiting for him to respond, but I'm telling you right now if he doesn't pay, if he comes to the game with a check, they don't want to play with him.

ET: Yeah, no, no, no. Like dude, I mean like number one, I mean the guys a...

IT: [REDACTED] just called me up and he's like, [REDACTED], he's very specific, he's like he has to pay before he comes to the game in LA. He can't come with a check.

ET: No, no, no. It's not just that, not just that. It's like, you know, when he won all the money, he got, forget about getting paid. He called everybody up to make sure he got paid, you know right away.

IT: And by the way, when he won last time in the game, I'm the one that paid him, I paid him 400. You know, so it's like, if he has an issue with giving me a check that's bullshit because I just paid him like three weeks ago when he was in LA, like 4 weeks ago, I'm the one that paid him the money.

ET: Of course. Well the only thing, [REDACTED] screws us up. He would never do that to [REDACTED]. He knows that he, in his mind, that [REDACTED] is above him. In his mind, he thinks me and you are beneath him. You know that's how [REDACTED] thinks.

IT: Yeah.

- ET: You know, I did text him, and just say do you want me to go back to [REDACTED]? You know, just so you know, you want me to go back to [REDACTED]? Just so you know, what's the big deal who he makes out the check to?
- IT: Yeah, I mean, I'll call him right now, be like, you know like uh, listen, you gotta.
- ET: Tell him to put it in a Fed Ex and mail it to me, and I'll have it by, if you mail it tomorrow, I'll have it by Friday.
- IT: He can just wire me the money. It doesn't have to be, he can just cut me a check, whatever he wants.
- ET: Either or, check or whatever, ya know.
- IT: Yeah, I don't mind either one exactly.
- ET: Yo. Helly's money, am I giving you Helly's money or am I giving Helly his money?
- IT: Uh, give Helly his money, just cause you were there.
- ET: But the thing with Helly's money...he's gonna want me to make it out to somebody else but I'm pretty sure none of the guys really want to make it out to anybody else.
- IT: It's uh, to BZ... you know who BZ is?
- ET: [REDACTED]?
- IT: No. BZ. BZ — that super wealthy guy in LA. Helly owes him 75 thousand or 65 thousand. It's like, I don't know this guy's worth you know a few hundred million dollars.
- ET: Is he a business guy or...
- IT: Business guy...production. He's a producer. He does like huge shows, like I don't remember which ones, like the huge reality shows. He like does them all.
- ET: Ok. Let me text Helly right now and I'll find out who he wants the check made out to 'cause I'm gonna get some checks tomorrow.
- IT: Yeah, his name is like Brian Zura, or something like that.
- ET: Ok. Ok. I'll find out and I'll call you right back.

Ting also helped Vadim Trinchler's enterprise by moving cash from Las Vegas to New York City. For example, on December 6, 2011, Ting texted Eugene Trinchler, who has



pleaded guilty to running his own illegal poker game in New York City. The text message stated, “Ur dad still need me to pick up cash in lv?” On January 27, 2012, Eugene Trinchler sent Ting a text message stating, “Can you do my dad that favor I asked you about last time you were in Vegas?” On January 29, 2012, Ting sent a text message to Eugene Trinchler stating, “Can u pick up ur dad money later?” On January 30, 2012, Ting and Eugene Trinchler made arrangements to meet and ultimately did, and FBI agents observed Eugene Trinchler leave Ting’s apartment carrying a bag. In the lead up to that meeting, Ting sent a text message to Eugene Trinchler stating, “bring a bag.” Eugene Trinchler responded, “ziplock bag?” Ting responded, “if you feel safe with it?” Shortly after that, FBI agents observed Eugene Trinchler exit 122 East 25th Street in Manhattan with a knapsack. Eugene Trinchler approached and then entered an automobile that had pulled up only a few moments earlier. The automobile then drove away. (PSR ¶ 87).

### The Plea and Applicable Guidelines Range

On September 4, 2013, the defendant pled guilty, pursuant to a plea agreement, to Count Twenty of the Indictment, which charged him with operating an illegal gambling business. In connection with the plea, the defendant also agreed to a forfeit \$2,000,000.

In its December 26, 2013 Report to the Court, the Probation Department calculates a Guidelines range of 10 to 16 months’ imprisonment. The Government agrees with this Guidelines calculation, which is consistent with the calculation set forth in the plea agreement.

### The Appropriate Sentence

Under the factors set forth in 18 U.S.C. § 3553(a), the Government respectfully submits that a sentence within the Guidelines range of 10 to 16 months’ imprisonment is appropriate.

First, the nature of Ting’s offense was serious. Ting ran what was likely the largest and most high profile illegal poker in New York City for years, before he was arrested by the FBI. These games attracted celebrities, Wall Street financiers, and other wealthy individuals, as well as individuals associated with organized crime. Ting took a rake during many of the games. As a result, Ting made millions of dollars from his illegal gambling business. It is for this reason that Ting received two leadership points under U.S.S.G. § 3B1.1(c) — which no other defendant charged with running illegal poker games has received in this case — and agreed to forfeit \$2,000,000 — substantially more than the other illegal poker defendants. The fact that Ting was willing and able to guarantee that gamblers at his games would get paid, (Def. Mem. 9-10), underscores how much money was being wagered at these games and how much money Ting himself made. It also highlights a key service that Ting offered. The gamblers at Ting’s games (as at many illegal poker games) did not bring cash because they were betting large sums of money and were afraid of being robbed. Instead, they played on credit. At the end of a given night, Ting was responsible for figuring out who owed money and who won money, and ensuring that the appropriate payments were made. At many illegal games, the players assumed the risk that they might not get paid by the other gamblers who lost money. But at Ting’s games, he guaranteed that if players did not pay, he would.

Second, and relatedly, Ting’s games were not “simply an intimate collection of extremely wealth friends (and their friends) . . . play[ing] a friendly, albeit high-stakes, game of poker.” (Def. Mem. 9). In addition to hosting the games and charging a rake, Ting also “backed” or “staked” certain of players — meaning that he was entitled to a percentage of certain players winnings. Part of Ting’s business was to recruit “whales,” players who the other gamblers (including gamblers Ting had staked) could beat at the poker table. By doing so, Ting not only profited from the rake but also from his share of the “pros” wins and the suckers” losses.